



'A'ohe pau ka 'ike i ka hālau ho'okahi

Connections Public Charter School

A Community, Business & Education Learning 'Ohana

5/8/14

Testimony for 5/8/14 agenda item on Legislative Report

Chairperson Payne and members of the State Public Charter School Commission:

Senator Jill Tokuda joked about employees of the Commission taking up residency at the Legislature. The old law (§302B-8) gave the CSAO the authority to provide "advocacy, assistance, and support for the development, growth, progress, and success of charter schools and the charter school system." Former staff spent a lot of time at the Legislature.

But I can't find anything in the new law in any of the six Authorizer powers, duties, and liabilities as defined in §302D-5 that would justify spending so much time at the Legislature. The law (§302D-5(e)) does say, "An authorizer, members of the board of an authorizer acting in their official capacity, and employees or agents of an authorizer are immune from civil and criminal liability with respect to all activities related to a public charter school authorized by that authorizer, except for any acts or omissions constituting wilful misconduct." So does this mean that Commission staff can violate §302D-5(b)(3) which requires them to "Be responsible for the receipt of applicable federal funds from the department and the distribution of funds to the public charter school it authorizes"? Does the Commission feel that their staff can also violate §302A-1401 that defines how federal funds are administered? Apparently! HB 1745 passed the Legislature at the last minute and is now headed for the Governor's desk. This "clean-up bill" will exempt the Commission from §302A-1401. This is very troubling as this could be jeopardizing one of the biggest pots of federal money that comes into the State. For our schools it jeopardizes funding that has helped us get through the dismal state of charter school funding that is our reality.

The Commission has still not released \$680,000 of federal impact aid funding that instead was allocated to a failed "Facilities Pilot Project." This is clearly illegal under §302A-1401. This is still the law that the Commission and our schools are bound to follow. You have also not released, nor mentioned at any recent Commission meeting, that the Commission also received \$208,917 in additional impact aid funding on February 10, 2014. Was the Commission so busy at the Legislature that they didn't even notice this allocation? These funds were supposed to be given to all of the charter schools. Are you going to try to use it for additional funds for the "Facilities Pilot Project" that failed to pass through the Legislature?